IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 20092 of 2004

Between:

1 C. Kavitha, D/o C. Prabhakar,
R/o 4-7-117/A, Raghavendra Nagar, Hayathnagar, Ranga

Reddy District.
2 N. Ashok Kumar, S/o N. Ramakrishnaiah,
R/o Bujji Hostel, Behind Sushma Theatre,

Vanasthalipuram,Hyderabad.
3 K. Ashwin Karthik, S/o K. Krishnamurthy,
R/o 10-1-791, Veer Nagar, Khairatabad, Hyderabad.
4 K. Rakesh Reddy, s/o K. Vasudeva Reddy,
R/o Flat No. 203, Vijaya Court, Domalguda, Hyderabad.

... PETITIONERS

AND

1 The Vice Chancellor, Jawaharlal Nehru Technological

University, Kukatpally, Hyderabad.
2 The Principal, Vignan Institute of Technology & Science,
Desmukhi Village, Pochampally Mandal, Nalgonda District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not permitting the petitioners to appear for the first semester examinations of their respective years of B.Tech.

Course on the ground of delayed payment of fees as illegal, arbitrary and unconstitutional and consequently direct the respondents to permit the petitioners to appear for the first semester examinations and also direct the respondents to permit the petitioners to attend the second semester classes.

Counsel for the Petitioner: MR.M.N.NARASIMHA REDDY

Counsel for Respondent No.1: Mr. C.KODANDA RAM, SC for JNTU

Counsel for Respondent No.2: ---

The Court, at the admission stage, made the following:

ORDER:

In view of the law declared by two Division Benches of this Court in ***Akilesh Lumani V. Principal, Sir C.R. Reddy Autonomous, Eluru*** and ***K. Pradeep V. JNTU, Hyd.***, a candidate must necessarily possess 75% attendance, which can be condonable to the extent of 10% by the college management. The University or the respondent-college also will not have any power to relax the attendance beyond 65%. Candidates who have put less than 65 % of attendance are not eligible to appear for the examination. In view of the same, petitioners' request permitting them to appear for the examination cannot be conceded. If the petitioners' attendance is not properly marked and if the same is not in consonance with the classes attended by them, on petitioners making a representation, the university can consider the same and if any lapses are committed by the second respondent-college, the university can call for the records after due notice to the college and pass appropriate orders.

The writ petition is accordingly disposed of. No costs.

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A. **GOPAL REDDY, J**

November 2, 2004

N.B. ***Copy by wire at partys' costs.***

(B/O)

MRR

To:

To:

1 The Vice Chancellor, Jawaharlal Nehru Technological

University, Kukatpally, Hyderabad.

2 The Principal, Vignan Institute of Technology & Science,
Desmukhi Village, Pochampally Mandal, Nalgonda District.

3 Two C.D. Copies.